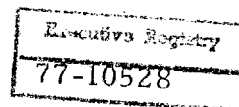




POLICY

Approved For Release 2004/05/05 : CIA-RDP80M00165A001900010006-8

THE UNDER SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301



2 DEC 1977

Admiral Stansfield Turner, USN
Director of Central Intelligence
Washington, D.C. 20505

Dear Stan,

I have reviewed the directive on NFIP Procurement Policy distributed by Walt Elder on 8 November 1977.

While recognizing your responsibilities under E.O. 11905 and its forthcoming replacement, the very detailed reporting requirements contained in the directive go beyond that we agreed to on the level of management of daily NFIP activities.

I believe you must look to the Department of Defense to handle the daily management of NFIP procurement actions as this department is already organized to do.

Sincerely,

Daniel J. Murphy
Admiral, USN (Ret.)
Deputy

P.S.

FILE Defense

Stan

You might want to send a letter to Harold citing the problems and request that Defense issue directives to cover the situation. In this way you can respond to Congress in a positive way without getting into fiscal management which is Harold's domain.

November 1977

NFIP Procurement Policy

1. Purpose. The purpose of this Directive is to establish policy and reporting procedures for the procurement of goods and services by NFIP entities.
2. Responsibilities
 - a. The DCI is responsible for controlling the budget preparation and resource allocation for the NFIP.
 - b. The Code of Federal Regulations in Titles 41 and 32 establishes Federal and Armed Services procurement policy pursuant to the Armed Services Procurement Act of 1949, as amended, and the Federal Property and Administrative Services Act of 1949, as amended.
3. Applicability. This Directive shall apply to all purchases and contracts made by NFIP components, units and activities, within or outside the U.S., for the procurement, or acquisition, from non-Federal sources of personal property and non-personal services (including ADP&E and construction) by such means as purchasing, renting, leasing (including real property), contracting or bartering. It includes all functions that pertain to the obtaining of supplies and services, including description (but not determination) of requirements, selection and solicitation of sources, and preparation and award of contracts for supplies or services which obligate appropriated funds.
4. Policy. The following Policy and Guidance for the procurement of NFIP goods and services reaffirms and extends the general and permanent rules for procurement published in the Federal Register and codified under Titles 32 and 41 of the Code of Federal Regulations.
 - a. All procurement, whether by formal advertising, or by negotiation, within the limitations of statutory responsibilities to protect sensitive intelligence sources and methods, shall be made on a competitive basis to the maximum practical extent.

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b. When supplies or services are to be procured by the maximum number of qualified sources consistent with the nature and requirements of the supplies, or services, to be procured.

- c. Negotiated procurements shall be on a competitive basis to the maximum practical extent. When a proposed procurement appears to be necessarily non-competitive, contracting officials are responsible not only for assuring that competitive procurement is not feasible, but also for acting whenever possible to avoid the need for subsequent non-competitive procurements. This action should include both examination of the reasons for the procurement being non-competitive and steps to foster competitive conditions for subsequent procurements, including possible break-out of components for competitive procurement. Except for procurement of utilities, and utility services, and educational services from nonprofit institutions, contracts in excess of \$10(K) shall not be negotiated on a non-competitive basis without prior review at a level higher than the initiating contract officer to assure compliance.
- d. Procurements, whether by formal advertising or by negotiation, generally shall be made by soliciting bids, proposals, or requests for quotations from the maximum number of qualified sources consistent with the nature and requirements of the supplies or services to be procured.
- e. "Bidders" lists for procurement or other similar devices shall be established, maintained, and utilized to insure access to, and use of, the broadest possible base of U.S. industrial firms.
- f. Purchases shall be made from, and contracts shall be awarded to, responsible prospective contractors only. Responsible prospective contractors shall meet the criteria set forth in Federal and Armed Services Procurement Regulations.

5. Action Required

- a. Within the framework of applicable Armed Services and Federal Procurement Regulations, and consistent with statutory responsibility to protect sensitive intelligence sources and methods Agency Heads, Program

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Managers, and the heads of elements of departments and agencies within the Intelligence Community constituting the NFIP shall:

- ensure competitive involvement to the maximum extent possible in all procurement activities;
- broaden the scope of procurement actions and increase the number of qualified sources from which to solicit and accept bids, proposals, or quotations; and
- review criteria for designating responsible prospective contractors to broaden the base of U.S. firms supporting the NFIP.

- b. In conjunction with the provision of recommended budgets to the DCI for preparation of the National Foreign Intelligence Program Budget, Agency Heads, Program Managers, and the heads of elements of departments and agencies within the Intelligence Community constituting the NFIP shall report the results of actions taken in accordance with the foregoing guidance. Reports should provide data on the total number and dollar value of competitive procurement actions that exceed \$10(K) for each action; the total number of firms involved, and the number of new firms included on lists of bidders during the prior fiscal year. The first required annual report on FY-78 procurement actions shall be submitted in conjunction with the FY-80 recommended budget.

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Remarks: <i>Provided per your request. DCI has not seen, so will count on you to close the loop w/ him as appropriate.</i>			
(EXECUTIVE REGISTRY)			
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